
Hereditary Succession
IN THE
Protestant LINE,
UNALTERABLE.

Historical Succession

THE

Protestant I. N. F.

MAINTAINED

Hereditary Succession
IN THE
Protestant Line,
UNALTERABLE.
IN
ANSWER
TO THE
SCOTS Bill of Security.

L O N D O N:

Printed for *William Rogers*, at the Sun against
St. Dunstan's Church in *Fleetstreet*. 1704.

Here first

IN THE

Supreme Court

of the District of Columbia

IN

A M C W E R

TO THE

2 GO 12 Bill of Securities

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2. Dugan's Case, 10 10 10

Hereditary Succession, according to Proximity of Blood, in the Protestant Line, a Fundamental Unalterable Law of Scotland, &c.

THere hath been lately published a (Judicious and Polite) Discourse, under the Title of a *Manifesto*; asserting the Right of the Princess *SOPHIA*, and her Issue, the Serene House of *HANOVER*, to the Succession of *Scotland*. One cannot deny that the Learned Author hath amply and thoroughly cleared the *Legal Claim* of her Highness, and the Electoral House, to the said Succession, according to the Laws of *Scotland*, reaching to the Year 1703, inclusive. He has also fully and unanswerably shown the Fatal Inconveniencies to *Britain*, and more especially to *Scotland*, by a Disunion of *Scotland* from *England*.

But as this Gentleman's Intelligence concerning the Transactions in *Scotland*, goes no farther than to July 11 of the present Year 1704, his Performance hath (necessarily) this Defect, that it takes no notice of the *Act of Security*, since Passed and Enacted. And he seems to think that such an Act would be binding to the Nation of *Scotland*; and a Bar to the *Legal Succession*: both which are very great Mistakes.

By that Act passed in *August*, 1704, the Estates of *Scotland* are Authorized to assemble immediately upon the

Death of Her Majesty; and to chuse a King of the Royal Family of *Scotland* in the *Protestant Line*; yet not to be the Person who is King also of *England*, 'Unless in the 'present, or some ensuing Parliament of *Scotland*, during 'Her Majesty's Reign, there be such Conditions of Government settled and Enacted, as may secure the Honour and Sovereignty of the Crown and Kingdom of *Scotland*; the Freedom, Frequency, and Power of Parliaments there; the Religion, Liberty, and Trade of the Nation, from *English* (or other Foreign) Influence; and 'the Power of the Assembly of the Estates, that are to 'meet after the Death of Her Majesty, to add such farther 'Conditions of Government, as they shall think necessary. A Statute contrary to the *Fundamental Laws* of *Scotland*, declared to be such by divers Parliaments and Laws of *Scotland*; some of them very lately. Contrary to the *Jus Gentium*, and *Jus Naturale*; (to the *Law of Nations*, and *Natural Right*;) to which the Statutes of particular Countries must be conform, or they are not obligatory and binding. A Statute grounded on notorious Flams and Falsties, (imposed on the Estates of the Kingdom, by a few Designing Treacherous Ingrates; to serve their own Private Ends, and the Ambition of *Stanislaw*, at the Cost and Damage of the whole Nation;) and therefore not only *not obliging* to the Nation, or the Serene Princess and House against which it is intended by the Projectors of it, but Invalid and Null in it self, by consent of all Lawyers, and others Learned in the Obligation and Nature of Laws. Lastly. Most manifestly unjust; and contrary to the certain, undoubted, and highest Interests of *Scotland*; and therefore wanting the necessary Qualifications of a Law, binding to that Nation, or to the Serene House of *HANOVER*. We shall *Explain* and vindicate these Exceptions; to the Entire Satisfaction of every Intelligent and Honest Person. But it will be convenient,

to speak briefly also, concerning the *Original* and the *True Meaning* of this Act; and to inform the Indifferent Reader, of the *Wiles* and *Insidious Artifices*, by which it was first introduced into, and then passed in the Parliament of *Scotland*: for these Circumstances of it, are of a piece with the Act it self. We will also make some Judgment, Whether it will or can be accepted by the Serene House of *HANOVER*; any more than the Act giving the *English* Crown to our King *Henry IV.* and the House of *Lancaster*, was accepted and acquiesced in, by the House of *Tork*: And whether *England* will (likely) desert their King, in a just Claim to the Crown of *Scotland*? Of these Points, in such Order and Method, as shall be most natural.

A *Scotch Pedlar*, weary of carrying any longer a Pack, sets up for a *Tub-Preacher*. But because that Trade is somewhat Over-stockt here, he hoped to make better Earnings by it, in some of the *Plantations*; his Choic or Fortune carried him on this Design to one of the Small Islands in the Gulph of *Mexico*. Here he is enformed by the *Buccaneers*, of the Gold Mines at *Darien*, belonging to the Crown of *Spain*; and how easily a good Body of Men might settle themselves in that *Isthmus*, and from thence play the Pyrates on the *East* and *West-Indian* Trades of all Nations, more especially of *Spain*. For such Designers have no more to do, but to march from *Darien* to *Panama*, a Journey of about Twenty Miles; and taking *Panama*, they may from thence intercept the *East-Indian* Trade, as from *Darien*, the *West-Indian*. Away comes our *Preacher Errant*, with this News, for *Scotland*: and being used to talk much, and be very subtle, by his first Calling; he so represented the Project of Seizing upon *Darien*, and Filling all *Scotland* with Gold, that great Numbers approved the Design; and shortly after resolved on it. But Wiser Heads than the *Pedlar's*

were Necessary, so to Form and Manage the Enterprize, as to make it turn to good Account: and such are not wanting at *Edinburgh*; or among the Nobility and Gentry of *Scotland*, bred to the *Belles Lettres*, and to the Knowledge of Geography, History, and the Modern Interests of all the Neighbor-Nations. These contrive, That they will pretend to set up an *East-Indian Trade*; and becaus of their Opportunity to Victual Cheap in *Scotland*, the *Dutch* and *Hamburgers* may be effectually invited to join with 'em; that is, to lend Money for a Fund, in the Profets of which the Lenders shall be Partners. One would have thought, such a Treachery could not be designed in the *Holy Land*; much less be espoused by so many, of all Orders, there. To pretend an Honest and Fair Trade, to *East-India*; and mean Invasion, and Piracy, on *Spain*, and all other Nations. To borrow Money at *Hamburg*, and in *Holland*, to Equip *Piratic Vessels* for the *Mexican Gulph* and *Pacifick Sea*, in the *Western Hemisphere*; under the Name of a *Fund of Trade*, to be driven in the (Contrary) *Eastern Hemisphere*. It startled all Honest Men, and made them to ask; Is this the First-fruits of the *New Reformation* of the Church in *Scotland*; Is this the Earnest they give, of the greater Purity in Manners and Doctrine, that we were promised from the *New Discipline*? Well, but let who will talk of us; when Great Designs succeed, the Justice of their Contrivance and the Methods of their Execution, are consider'd but by Few, and in time are quite forgotten: Therefore, on we go, amain; Fit Messengers are dispatch'd to *Holland*, to *Hamburg*, *London*, and Other Places, to solicit Subscriptions and Money for a *Scotch East-Indian Trade and Company*. Likely, had the Projectors meant sincerely, they would have found Credit, and Partners in most Trading Cities, to which they applied; chiefly in *London*: But the Deceit being to be managed by

so many mean People, was discovered ; and the *Gibeonite* Ambassadors returned to *Scotland*, without their Errand. Not Discouraged, they resolve to Manage the Adventure with their own Mony, and the Mony of some of the Nobility and Gentry ; they Equip their Ships, and dispatch 'em to *Darien*. But all Nations that have Trade to the *East* or *West Indis*, abhorring the *Pyratic* Design, give notice to their Colonies and Plantations, of the *Saints turned Freebooters* ; with Charge not to assist 'em, much less concur with them. To be short, To *Darien* they get ; Land, Act all Manner of Hostilities ; and after a little time, are beat out, and Home, by the *Spaniards* the Proprietors of the Country. 'Tis an ill Wind, we say, that blows Advantage to no body : *STANISLAW* knew well, this Miscarriage was a fit Handle for him, whereby to grow Popular ; by pitying the Misfortune of the Adventurers, and in them (as he pretended) of the whole Nation ; and by imputing it, not to the Injustice of the Design, and the incompetent Numbers and Force of the Managers, in respect of the Power of the *Spaniards* in thos Parts ; but only to the *English*, and King *William*. ' It will never be well, saith he, with *Scotland*, ' till she hath a King of her owne, Resident always with ' her ; that will intend the Good of *Scotland*, at Home ' and Abroad. If an *English* King should at any time favour us, yet He is not able to do any thing for us ; ' the *English Parliament* will always Awe Him, and over- ' rule Him to the contrary. We Owe to Them, to their ' Votes and Addresses, the Loss of this Great Design ; ' that alone would have made us as Considerable, as the ' Richest and most Potent of Our Neighbours. When Princes, near Heirs to Crowns, make such Complaints, whether true or fals, they are readily and greedily heard, and rightly understood : they are in the truest and nearest way, of Patriots to become Kings.

It is from this Time, and this Event, that we are to Date the Projecting the *Act of Security* : A Prince of the Blood pitying the Nation, under the Name of a *Flock without a Shepherd*, turns many Eyes and Hearts towards him; and he may even now go to sleep, for they will proceed (on the Hint he hath given them) to Finish the rest for him. All that can serve his Designe, tho' but by Voting for Voters in Parliament; not doubting, that he will *remember them, when he cometh into his Kingdom*; set themselves now to discover *Grievances*, and whether found or invented they impute them all to the Union of the Kingdoms, how manifestly soever they arise from other Causes: The General Cry shortly is, Our King is a *Prisoner in England*, He is never suffer'd to concur to any Design for our Good: A King in *Scotland* can only profet Us. How well soever the most of them know this to be utterly Untrue, with respect to the Nation; yet becaus they expect it may be True in time, with regard to themselves in their own personal Advancement: they have so bestirred 'em, as to become a great Party in *Scotland*; and in the Year 1703, were Numerous enough to carry in the Parliament of that Year the *Bill of Security*, that is, Of the Dis-union of the Kingdoms, and Dis-inherison of the Serene House of *HANOVER*. It was Rejected that Year by Her Majesty, but was Touch'd by the Scepter in *August* of the present Year 1704.

But to prepare the way, for such a Dangerous Novelty, as they knew this Bill would be thought; they propose only at first, That the Nation being in a bad Condition in many Respects, and which may be remedied by a timely care, the Parliament should take into Consideration, The farther *Security of the Nation*, previously to all other Business, or Bills offered or to be offered. The Security of the Nation, what more Reasonable? It is Granted; and Desired also, That if any have a Word of Exhortation for
the

the People, they say on. Now *Belhaven, Fletcher,* and the other Demagogues, take up the Popular Theme, the *Grievances*, and the *Fears* and *Jealopies* of the Nation. We have so lost our Trade, *say they*, that the Royal Boroughs of the Kingdom are many of them become near Ruines; our great *Darien-Design*, that might have Recompenced for all, was cruelt by the *English* Parliament; If any New Project be Advanced, the *English* Ministry will never suffer it to Succeed: The Money of the Kingdom is all Drained into *England*, by the necessary Attendance of our Nobility and Gentry at the Court there, for obtaining Preferment and Places in our own Country. Before the Union, we had Pensions; and Preferments in the Court, Army, and Church of *France*; were Courted by the Embassies of *Denmark, Sweden, Spain*, the Empire, and other Neighbors: All which is now Lost, by our (Unprofitable) Union with *England*. And were it indeed an Union, by a Communication of Trade and Priviledges, we would be content: but the *English* have cut us off from any (Valuable) Advantage by Trade with them, by the *Act of Navigation*; and if we Attempt a Trade or Settlement in the *West* or *East-India*, they call us Pyrates, and Treat us as such. Our Parliaments, that might Remedy all thes Evils; are Bribed by Offices here and in *England*. After this, it was not only Safe, but Plausible, to offer the *Bill of Security*; by which, the States of *Scotland* shall be Authorized, after the Deceas of Her Majesty, to choose their King. It will not be denyed, That such was the Original and Progress of this Bill; let us now look to the (certain) *Meaning* of it.

The Grievances aforementioned are all Imputed by the Projectors of the Bill, to the Union with *England*; yet they were aware, that a *Disunion* implies so many more and Greater, and that they are so Obvions to every Body, that they durst not *directly* declare themselves for a
Dis-

Dis-union from *England*. They only Craved, That it be put into their Power, by an Act of Parliament, to Refuse the Successor to the *English* Crown ; unless the *English* Nation shall Grant to the *Scots* a Communication of Trade, Freedom of Navigation, and Liberty of the Plantations : And farther unless, Provision be made in the (*Scottish*) Parliament, That all Places and Offices in *Scotland* be Conferred by Parliament ; the Parliaments to meet Yearly, and no War or Treaties of Peace or Commerce to be Enterprized and Concluded but by their Advice and Consent. By thes Limitations, said they, of our Future King ; and thes Concessions on the part of *England* ; all our Grievances will be Remedied, and the same Person may be King of both Nations, to the preventing all thos Evils that are so visibler and certain in the Case of a Dis-union, that is, Of different Kings over the Two Nations.

And did the Projectors mean, as is here proposed ? Nothing less : They were fully resolved on *STANISLAW*, as the Man that is to Recompence 'em, by previous Concert with the Chief of them on Behalf of all the rest, for their Merit towards him in Effecting his Advancement to the Throne. This appears most plainly, in their crafty Wording of the Bill. For whereas it had been sufficient to say, ' The Estates of *Scotland* shall Acknowledge ' the Princess *SOPHIA*, and her Issue, the Serene Hous ' of *HANOVER*, for Sovereigns of *Scotland* ; according ' to their Undoubted Right, as being the next to Her ' Majesty in the Protestant Line : But to Remedy certain ' Grievances of the Nation, consequent on the Residence ' of our King in *England*, the said Princess and her Heirs ' shall permit all Offices to be Dispensed by Parliament ; ' and shall not make Warr or Peac, or Conclude Treaties ' of Commerce, as Sovereigns of *Scotland*, or so as to ' Conclude *Scotland*, without Consent of the Estates in ' Par-

' Parliament. I say, tho such a Wording of the Bill had
 fully provided against all the pretended Grievances ; (be-
 caus as that Party it self often Confessed during the Ses-
 sions, That their reserving to their Parliament the Power
 of Peace and War, and of Treaties of Commerce, would
 either Oblige *England* to Grant Freedom of Navigation,
 of Trad, and of Commerce, or be a sufficient *Equiva-*
lent for those Advantages :) yet they were by no means
 Content with that, or any *such like Form* ; but have so
 Framed the Bill, by an unnatural Order both of Words
 and Things, that let *England* be never so willing to agree
 to their Proposals, or the Serene House of *HANOVER*
 Content to part with the Ancient Regalities, yet will they
 set *STANISLAW* on the Throne, without any more
 to be done or farther Care to be taken on their part.
 For 'tis expressly provided in the Bill, That the King of
England shall not be King of *Scotland*, ' Unless in *This*, or
 ' some ensuing Parliament of *Scotland*, and during the Reign
 ' of Her Majesty, such Conditions of Government be Setled
 ' and Enacted, as may Secure the Honour and Sovereignty of
 ' the Crown and Kingdom of *Scotland* ; the Freedom,
 ' Frequency, and Power of Parliaments there ; the Li-
 ' berty and Trade of the Nation, against *English* (or
 ' other Foreign) Influence ; and the Power of the Estates,
 ' that are to Assemble on the Death of Her Present Ma-
 ' jesty, to add such farther Conditions of Government, as
 ' to them shall seem Necessary. He must be blind that does
 not see, the Framers of this Bill Aimed at this, to Ex-
 clude without more ado, the Sovereign of *England* ; for
 He is not to Succeed in *Scotland*, unless thes very Mem-
 be at the Care and Pains to make way for Him by New
 Acts of Parliament, and by such Acts and Provisions as
 must for ever Alienate Him from them ; by such Provisi-
 ons and Acts, as Vest themselves with the Sovereignty,
 and leav to Him only the Empty Title and Name of
 B King.

King. But they openly also declared their Intention concerning the Serene House of *HANOVER* ; to which the Succession of *England* belongeth, and on which it is also Entailed by some late Acts of the *English* Parliaments ; by a Mutinous Ferment against some of their Members, that but mentioned the House of *HANOVER* to 'em, tho under all the Limitations in their own *Act of Security*.

From all this, and much more that might be added, Evident it is that, The *Meaning* of the Projectors and Framers of this *Act or Bill of Security* is, To Dis-unite the Kingdoms ; to Destroy the Hereditary Succession, even in the Protestant Line ; and immediately on the Decease of Her *Majesty*, by a *Saltus* over the Heads of divers nearer Heirs in the Protestant Line, to Salute *STANISLAW* Tyrant of *Scotland*.

We seem to have said enough of the *Meaning* of this (Unhappy) Bill. As to the Bill it self, 'tis, in all the parts of it, a Nullity in Law and Reason.

Of the Invalidity and Nullity of the Bill of Security.

This Bill has Two Principal Parts, a Power given to the Estates to Choose, immediately on the Decease of Her present *Majesty*, a King of *Scotland*, who is not next in Blood to his immediate Predecessor, tho in all Respects a *Capable* Person ; and to Impose on him such Limitations of Power and Authority, as they shall think to be Requisite. Contrary to thes Grants, the Laws and Parliaments of *Scotland* have, on the most Critical Occasions and Circumstances, Declared that, Neither can the Succession to the Crown, according to Proximity of Blood, (supposing the Successor to be a *Capable* Person,) nor the Legal Prerogatives and Regalities, be Diverted or Limited by any Bill, Statute, or Law. It were endless, to Alledge the whole Law of *Scotland* to this effect ; I will Exem-

Exemplify in the Declarations and Laws of the *Scottish* Parliaments, that were made after recent Experience of the Calamities and Desolations, that always follow on Diversi-
 on of the right Cours of Succession, or a struggle of the People against the Just Authority and Prerogative of the King. There is no Teacher so Wise, as Experience ; it Instructs and sets Right, even the most Foolish : It was this, whether you will say Doctor or Mistress, that directed the Parliaments ; whose Laws and Authorities I shall Al-
 ledge, to Declare and Enact That, Hereditary Successi-
 on (if the Person be Capable) is a *fundamental unalterable Law of Scotland* ; and that, whatsoever *Bills or Acts*, Li-
 miting the Just Authority and usual known Prerogative of the King, are *Illegal and Invalid*.

After the late Civil Wars, when the Monarchy was Resto-
 red in the Person of K. *Charles II.*, at a time that the Nation was under no Awe or Byass, by any standing Army kept up among them ; the Estates of Parliament Declared and Enact-
 ed That, ' all Laws Acts Statutes Practices *have been Illegal,*
 ' *and are to be esteemed Void and Null,* that are Contrary to, or
 ' Inconsistent with, the Just Power and Prerogative of the
 ' King. Which, for some part of it, is there declared
 to be the Power of ' Calling, Proroguing, and Dissolving
 ' of Parliaments. *Ch. 2. Parl. 1. Sess. 1. Act 3d.* In the
 same Parliament, and Sessions it is added ; ' The King, by
 ' Prerogative of his Crown, hath the sole Appointment
 ' of the Officers of State, and Lords of Sessions ; as al-
 ' so the Power of Arms, of War and Peace, and of all
 ' Treaties with Foreign Princes or States : And all Deeds
 ' of any, to the contrary of these Declarations, shall be
 ' Treasonable.

By Stat. *Ch. 2. Parl. 3. c. 2.* ' The Succession to the
 ' Crown of *Scotland*, according to Proximity of Blood ;
 ' [always supposing, *Ex jure Gentium & jure Naturali,*
 ' That the Successor is a Capable Person] cannot be Al-

' rer'd or Diverted by any Law made or to be made.

I don't think 'tis News, That there are *Fundamental Laws*, in every Constitution ; Laws not Alterable, by any subsequent Law. But when, with Respect at least to *Scotland*, we have their Parliaments saying so ; and Instancing, in the Just and Necessary Prerogatives of the Prince, and Hereditary Succession according to Proximity of Blood ; it is near Effrontry to say and contend, That the Legal Successor, can be Disinherited, or new Conditions of Government be prescribed to him, as is designed by the *Bill of Security*.

But the Laws of *Scotland* say farther, ' The King holds ' his Crown and Prerogative of GOD alone. *Ch. 2. ' Parl. 1. Sess. 1 Cap. 15. And Parl. 3. c. 2.* The Inference is Obvious, and Necessary ; *GOD alone can despoil ' the King of Scots, of his Crown, or Prerogative.* For he only that gave them, can have any (Rightful) Power to Resume, or Destroy them ; an *Act* or *Statute* cannot do it. But it is not amiss, to Note here That ; when Hereditary Kings are said to hold their Crown and Prerogative of *GOD alone*, the Meaning only is, That the *Original Contract* between the Nation and Regent Family being Confirmed by *Oath*, the Branches of such Family succeed to the Crown and its Prerogatives in their Respective Turns, in Virtue of the *Oath* ; and thus hold their Prerogative and Crown, from *GOD*, by whose only Authority the *Oath* is binding, and the Stipulated Points are Confirmed to such Family. And again, when the (cited) Laws say ; ' The Succession to the Crown and its Prerogatives according to Proximity of Blood, cannot be Diverted by ' any Law made or to be made. It is intended *ex jure Naturali*, and *jure Gentium*, " If the Successor be a *Capable Person*, and do not *Abdicate his Right*. Of which Two, the *Manifesto* before Commended, hath spoke so Fully and Learnedly, that it is needless here to add any thing

thing farther concerning them. And I desire to be always understood, as referring to the *Manifesto*; not only in the Law-Points touched in these Papers, but whenever I argue from *Facts*, or from Topics of *Interest*, of *Convenience* or *Unconvenience*: It being my present Meaning, only to supply on each Head, what hath been omitted in the *Manifesto*. But to go on with our Arguments from Law and Right.

The *Bill of Security* hath another Lame Foot. Every Statute or Act of a particular Country and Nation, must be Conform to the *Jus Gentium*, and *Jus Naturale*; to Natural Right, and the Law of Nations: and otherways it is a Nullity. Now, by Common Right, and the Law of Nations, the *Original Contract* in Hereditary Kingdoms; such as *Scotland* was confessed to be, before this Pretended Act; is between the Nation and the Regent Family, the *Whole Nation* and the *Whole Family*. Therefore, to dissolve the *Contract* of Hereditary Succession, the Assent and Consent of all the (Capable) Branches of the Family, is Necessary: Neither the Nation, nor the Nation and Person Regent, can Disinherit or Limit the Family, or any Person of it; without the Consent and Assent of the Family, and of such Person. The *Original Contract*, as a Contract, and as Confirmed by the Oath of GOD, binds the Nation to accept *all* the Persons of this Family as Sovereigns, *in their respective Turns*; because 'tis a Contract between the Nation and Family, not between the Nation and Person Regent only. For this Reason, the (pretended) Disinheriton of the next Heir, being a *Capable* Person, by whatsoever Statute or Act, was never accepted in any Country, by the Person wronged; nor ever took place, or had effect, but only by mear Force and Arms. Our King *Henry IV.* and the Hous of *Lancaster*, were by Act of the *English* Parliament Vested with the Royalty; to the Wrong of the Princes of the House

Hous of *Tork*, that were next in Blood : Was it accepted by thos Princes, or did the Nation acquiesce in it? It begat the Long and Bloody War, called in our Chronicles the *War of the Two Roses*; that destroyed more Princes, Noblemen, Gentlemen, and of the People, than all the Wars since the *Norman Conquest* to this present Time: Nor could it be terminated, but by a Marriage of the Heir of *Lancaster*, with the Inheritrix of *Tork*. The great Merit of the Kings and Princes of the Hous of *Lancaster*; (the Wisdom and Moderation of *Fourth Henry*, the Magnanimity and Acquisitions to *England* by *Henry V.*, the Sanctity and Exemplary Life of *Henry VI.*, the Pregnancy and Hopefulness of Prince *Edward* Son of the former;) did not hinder the Nation from doing Right at last, and endeavoring it (by many Battels) all the mean time, to the Kings and Princes of the House of *Tork*. Such another Scene, exactly, is projected by the *Bill of Security*; that would give the Crown to *STANISLAW*, by a *Saltus* over the Heads of the Princes of the House of *HANOVER*, who are all before him in the *Protestant Line*; which only is capable of the Succession, by Acknowledgment of the very Projectors of the Bill.

Again. By consent, I think I may say, of all Lawyers; A Law is Invalid and Null, that is grounded on Facts Misrepresented, or Reasons and Accounts that are mear Illusions and Forgeries: And such are the Accounts, Facts, and Reasons, that were alledged to the Estates of *Scotland*, on behalf of this Bill. The *Manifesto* is sufficiently Copious, on this, therefore I will Touch the Particulars of it but lightly.

Fletcher, *Belhaven*, and the other Projectors of the Bill, urged the Decay of Trade in *Scotland*; To such a Degree, say they, that some of Our *Royal Burroughs* are become mear Ruins, in Comparison of what they were, before

fore Our Union with *England*. They concealed that, other Towns of more Convenient Situation, or Greater Industry, are grown up into *Grandeur*, in their stead, and by their Loss; and that, this Circulation of Trade, and Decay and Rise of Cities and Towns, hath always been in all Countries, and always will be; And that, the Trade and Culture of *Scotland*, in the *Whole* of it, is known to be at least Five-Fold Better and More, than before the Union, and by Means of the Union; that is, of the Peace Consequent on the Union.

They lamented the Miscarriage of the *Darien* Design; and imputed it to the *English*, and to King *William* Awed by the Parliament of *England*. They concealed that, the *English* Parliament will never Oppose any Project for the Good of *Britain*, that is also Just; but a *Piratic War*, on their most Necessary Ally, nay on Themselves and all Nations, under pretence of a Trade in the contrary Hemisphere, all good Men in *Scotland* abhorred it, no less than did the *English* Parliament. Nor did the *English* oppose themselves other ways, than by denying Harbour to the Pyrates, and giving Notice of them; as all Nations are oblig'd to do. That Enterprize came to nothing, by its proper Unjustice, as the Moral Caws; and as the Human and Natural, by the incompetent Numbers of the Undertakers: Fewer than Ten Thousand Men cannot settle, and maintain themselves, at *Darien*; which yet will not subsist a Quarter so many.

Their greatest Grievance however, seemed to be, the Attendance of the *Scottish* Nobility and Gentry at *London*, for Preferments and Places in their own Country; and that this occasions also the Exportation of the Money of *Scotland*, to such a degree that the Country has scarce any Money at all. If you believe them; but if you will believe your Eyes, for One Piece of *Scottish* Gold or Silver in *England*, there are Ten (at least) of *English* in *Scotland*.

Scotland. The Truth of the Matter is, If the *Scottish* Nobility and Gentry bring some *Scotch* Mony into *England*, the *Scottish* Chapmen of Linnen Cloth and Lace not only carry it back again, but Abundance of *English* Coin (especially Gold) with it. As for the Attendance and Expence at *London*, by the Candidates of Court-Preferment; 'tis neither more Costly, nor more Tedious, than it would be at *Edinburg*, or any other City: And the *Scottish* Nobility and Gentry know well, at *London* they are Capable of *English* Places and Preferments, as well as of thos in their owne Country. Between Preferment, Employment, and Trade, 'tis reckoned more than Ten Thousand *Scotsmen* are Entertained, and Subsisted in *England*; and of these, at least One Third Part in a Gentleman-like way. On the contrary, the *Southern* Men never Travail *Northward*.

They Complained heavily, of the *English* Act of Navigation, as a great Hindrance to *Scotland*. I let 'em know, The best and most knowing Merchants of *England* have disliked that Act, as much as the *Scots* can: But it had been fair, if the Gentlemen Complainants had pleased to take notice also of the Acts and Statutes in *Scotland*, made on purpose to deprive the *English* of their Antient Trade with *Scotland*, by imposing 80 in the Hundred on the best Part of the *English* Trade thither. But these Hardships on both sides, I confess, ought to be remedied; and no doubt they will, whenever a Treaty of Closer Union, or Perpetual Confederation, is set on foot: And the *English* Parliament have declared, They will not be wanting, to doe *Scotland* Honourable Right, in the Case.

The King of *Scots*, it was said also, is a Prisoner in *England*; the *English* Ministry and Parliaments do never suffer him, to grant any Laws to *Scotland*, that are desired by the Nation. Witness, they should have said too, the Assent of King *Charles* II. to the Bill for 80 in the Hundred on.

on the Manufactures of *England* imported into *Scotland*; of King *William*, to the Bills for Abolishing Episcopacy, and Establishing the New Discipline in *Scotland*; of Her present Majesty, to the Bill for Divesting Her Successors Kings of *Scotland*, of the Sole Power of Treaties and of War and Peace, and even to the *Bill of Security*. To say nothing of the Bills, by which King *Charles I.* gave up to the Estates of *Scotland* almost the Whole Royal Authority, which the Estates themselves saw it was for their Good to restore to King *Charles II.*; or rather, confessed it was *Unalienable*, and not to be Lodged (with Safety to the Nation) but in the King only.

Some proposed it, as a Lamentable Hardship, that Offices in the Custom-House, and other Places, are some of them given to Parliament-Men; 'Thus our Parliaments are Bribed, to Serve the *English* Interest; The *English* keep *Scotland* under, with the Money of *Scotland*. O Dextrous *English*! I profess, I never thought 'em to be half so Wise or Witty, as they are understood to be in *Scotland*. But may I ask, but Two Questions; If Mr. *Fletcher* had been one of the Parliament Men employed in the Customs, should we have heard of this Grievance; Must he needs have lost all his Honesty, so soon as employed in his Country's Service? I so speak, because Her Majesty, or *England*, have no Returns of Money from *Scotland*; 'tis all expended on the Civil and Military Lists there. And, if Parliament-Men were excluded by Her Majesty, from all Places of Profit; would not Mr. *Fletcher* have advanced another (a contrary) Grievance; viz. 'Her Majesty never thinks fit to Gratify 'or Trust Thos, whom the Country Chooses and Trusts.

A Noble Lord, and Grand Patriot, was upon Thorns, for the Dishonour and Abuse of the Troops of *Scotland*, that serve abroad in the present Warr; 'Our Military

Corps serve abroad without *Post, Name, or Cartel*; and are wronged both in Pay, and Clothes. I doubt the last Part of this Charge, is too true; by the many Instances of Her Majesty to the Parliament of *Scotland*, to furnish the Necessary Pay of the Troops, or at least the Arreirs of their Pay: But it is evident hereby, at whos door this Fault lies. In the mean time, 'tis an unworthy Usage of Her Majesty, that the *Patriots* will never hear Her Majesty's Remonstrances for the Troops, and yet make it One of their Grievances that, the Troops are neither well Clothed nor duly Paid. She never asked, to my remembrance, any Thing for Her Self: The Subsidies She has proposed, have been only for the Troops; but when Her Ministers but name Subsidies, the Troops and Fortresses, the Patriots are always for going on other Business. What his Lordship saith, of *Post, Name, and Cartel*, shows his Ignorance; either of *Warr*, or this *Warr*, or both. The *Scottish* Troops are but Two Thousand Men, Foot and Dragoons; no Hors: tho' the true Quota of *Scotland* were Ten Thousand, whereof Three Thousand to be Hors and Dragoons. Would his Lordship have the Two Thousand, that are only furnished by *Scotland*, to March under the Name of the *Army of Scotland*; under a *Generalissimo*, *Generals*, and *Lieutenant-Generals*? For *Cartel*, they have as much *Cartel* as the *English* Forces and Troops; that, by Sea and Land are more than *Seventy Thousand*.

It was offered also, what Damage *Scotland* had sustained by the Union, under One Head, with *England*; viz. Their Beneficial Trade with *France*, where they had the same Privileges with the Natives; their Honourable and Advantagious Posts, in the Court, and Camps of the *French* King; That now they have no Ambassages, from Forrein Princes, or States, which formerly brought Money, as well

well as Honour, to the Kingdom : And lastly, that, by the Union they have lost their *Well-limited Monarchy*, under which they had as much Freedom, as even any *Commonwealth* in *Europe* ; and have been subjected to the Inhuman Persecutions, of the Reigns of *Charls II.* and *James VII.*

But certain it is, not the Union under One Head with *England* ; but the *Imposts* laid upon Goods and Trade, by the present King of *France* ; make it unpracticable to *Scotland*, or any other Nation, to drive a Trade (to any Advantage) in or with *France*. And not the Union ; but the *Bigotry* of the *French* King and Court, that will not be served either in Camp or Court but only by *Catholics*, and such *Catholics* as perform the *Devoirs* of good *Catholics* ; has excluded the *Germans*, *Scots*, *Swedes*, and other Nations, from the Service of that Crown in the Acts whether of Peace or War.

If no Ambassages are now sent to *Scotland*, but to the King of *Scots*, in *England* ; I see not, how it is a Diminution in Point of Honour : But sure I am, 'tis a very great Advantage in Point of Profit ; for hereby the Nation is discharged of the Vast Expence, of sending Ambassadors and Residents, and of Intelligence and Secret Service.

But 'tis Miraculous, That they have lost their *Well-limited Monarchy* : or that People are freer under *Commonwealths*, than *Kingdoms* ; and that the Reigns of King *Charls II.* and *James VII.* were Tyrannies in *Scotland*. For let any Man read the Laws of *Scotland*, he will acknowledge ; The Monarchs of *Scotland*, and particularly King *James VI.* before his Assumption to the Crown of *England*, had as large a Prerogative, and (considering the Extent of the Country) as fair a Revenue, as any King of *Europe* had or hath : Except where, not

the Laws, but the Will of the Prince, is grown to be the only Rule ; as now in *France*, in *Sweden*, *Denmark*, and most Part of *Germany*. That People are *Freer* ; from the Laws, and due Obedience to the Magistracy ; in *Commonwealths*, than in *Kingdoms* ; is One of the Grand Abuses and Cheats, that Patriots usually Impose on the Ignorant Vulgar : But the just contrary is so well and commonly known to Gentlemen, and Persons of a Liberal Education ; that I wonder, this (Stale) Imposture was Trumped up in a Session of Noblemen and the best Gentry. There were no Persecutions in *Scotland*, in the Reign of K. *Charles II.* but by the Laws ; on purpose, and lately made, by the Estates of Parliament there, with intent they should be vigorously Executed. And all Honest Men know and confess, it was but Necessary ; for preventing the future Rebellions, Assassinations, public Renunciations and Defiances of the Magistracy, and other Monstrous Crimes of the *Cameronians* and their Abettors. A Prince is most unjustly called a Tyrant, or a Ministry Barbarous and Cruel, for Executing the severest Laws made by the Estates of a Kingdom (at their own proper Motion) for suppressing the Burrows and Nests of Rebellion, notoriously known to be so. But this is not said, to justify Persecution for Conscience towards God : I mean only that, the best Principles, and truest Religion, made a Cloak and Pretext for Sedition, Insurrections, Assassinations, and such like, ought to be no Defence or Protection to such Crimes or the Doers of them. As for K. *James VII.*, His Name was here improperly, and invidiously, added ; to that of His Brother K. *Charles II.* For it cannot be denied, That as well in *Scotland* as *England*, K. *James* was all in all, with thos that now most rail at Him ; it was by them that he intended to Ruine the Churches, of *England* and *Scotland* : And as he set 'em loos for that
very

very purpose ; so it appeared but too well, that he did not (in that respect) mistake his Men.

This Argument has been somewhat tedious, because long ; The Sum and Short of it is. The Pretences, whether from *Facts*, or *Right*, on which the *Act of Security* is grounded, being all of them Misrepresentations ; the Act it self is a Nullity, in Construction of Law. When the *Reasons* of a Law, are Feigned, or False ; the Law it self is justly taken for Invalid, to all intents and purposes. Now 'tis Fiction, that the *Trade* or *Coin* of *Scotland* is Diminished, since the Union ; and much more that they are Diminished, by the Union : *Scotland* is vastly Richer, and better Cultivated, than before the Union ; and by occasion of the Union. 'Tis Legendary, in the highest Degree, That the King of *Scots* is a kind of Prisoner in *England* : The Bills passed in *Scotland*, from K. *Charles I.* to Her present Majesty, evince the direct contrary ; more especially in the Objected Points. *viz.* Greatning the Prerogative, and Regalities in *Scotland* ; and favouring the *English* above the *Scots* in matter of Trade, or Collation of Preferments to which the *Scots* have a Title at any time by Birth or Merit. We say not, 'tis False ; but do say, 'tis very Injurious ; that the Patriots object, That the *Scottish* Troops abroad are Abused ; in their Pay, and their Equipage. But is a Flam, as great as can be, that *Scotland* has lost any Advantage by the Union, in the Court, Camps, or Country of *France* ; but what would have been Lost, by the present Difference in Religion between the *French* and *Scots*, and by the Impositions on all the Branches of Trade by the *French* King ; or that is not (besides) more than Recompenced, by their Trade with *England*, and their Employments and Preferments here. And in the last place the Calumnies, on the Reign of King *Charles II.* as Tyrannical, are worthy

why only of the Patriots. Who do not distinguish, between the Execution of *Laws*, and the Arbitrary Cruelties of that *LOUIS*, whom they designe for their Protector; or between Prosecutions for *Rebellion*, and Persecution for *Conscience towards God*.

I offer, at present, but one Argument more; The Unjustice of this *Bill* with respect to the House of *HANOVER*, and that 'tis contrary to the highest and certainest Interests of *Scotland*. Concerning the latter, so much is said in the *Manifesto*, and so well; that I will not *actum agere*, as they speak. The Unjustice of the *Bill*, is Notorious, and Excessive. The Projectors saw plainly, That all the Laws of *Scotland* designe the House of *HANOVER* to the Succession; What do me They? Why, procure their Dis-inherison by an *Act* on purpose. How many Tyrants should King *Charles II.* have been, if he had thus used (for Example) *Mr. Fletcher*; taking from him his *Legal* Inheritance, and *Birth-Right*, by a Law devised and made on purpose against Him? Is it the Office only of a King, to doe *Equal Right*; are not Parliaments under the same Obligation? But is it *Equal Right*, when Laws are devised against particular Persons? When the whole Community have the Benefit of the Current Laws of the Country: But one particular Man (or Family) is; without any Cause given for it, on their Part, Excepted? *Mr. Fletcher*, *Belhaven*, and the other Patriots, are Learned, even to Criticism; they know then, that the Writers Learned in the Nature and Obligation of Laws, do Insist on it that, *Jus* (LAW) is so named, because 'tis *quid Justum*, JUST. It is not *Jus*, say they, that is not *Justum*. Their *Bill* therefore, that implies so manifest Unjustice, and in the highest Case, is not LAW, but the highest ILLEGALITY.

This

This *Bill* hath a farther Injustice; 'tis intended, not only against a particular Family, but against a most *Deserving*. His Electoral Highness, against whom this *Bill* is Aimed, has Merited so remarkably of the Protestant Interest, and of all the high Confederates; that it will astonish all *Europe*, that a *Protestant* Parliament passed a Bill on purpose to Exclude Him. And from what? Why, from his *Legal* Right; and his very *Birth-Right*. When was it that his Highness deserved to Loos a *Kingdom*, his *due* Inheritance; and by the Votes of *Protestant* Judges? When he saved the Duke of *Holstein*, from unjust Oppression, by a great King? Or when he Invested *Brunswick*; and Obliged Two Potent (Sovereign) Dukes, to come into the Common Confederacy against *France*? Surely we may well hope, the *Scottish* Nobility and Gentry; though it has (humanly) hapned to them, to be Mis-informed in some Facts, and thereupon to be overseen so far as to Vote this Bill, yet they will never *Execute* it, against such a Person, and such a Family.

It remains only to Consider; Whether, in case the Estates of *Scotland* shall pretend to Execute the Bill, his Electoral Highness will *acquiesce*; and if he do not, will the Estates of *England* stand *Neuters* in the Strife? I could willingly have waved thes Questions, and the (Obvious) Answers to them: But the *Stanislans* having taken care to Arm all the *Heretors* of *Scotland*, for Defence of the *Bill*; 'tis fit and necessary that all Others, especially the Honest Legal Party in *Scotland*, should know also what is their Strength. I say therefore. The Intentions and Counsels of his Electoral Highness, are too Deep, for me to pretend to Fathom 'em; and the Resolves of the Estates of *England*, it were ill Manners in a Private or Single Person, to offer to pre-

dict

dict them : But thus much I may take Liberty to Observe.

It was never known hitherto, That a (Wise, Magnanimous and Potent) Prince submitted to be Disinherited by a Party of his Subjects; without measuring Length of Swords with them. The Princes of the House of *York*, that I may give a Domestic Instance, were just so Abused as now the Princes of the House of *HANOVER*: An *Act* was passed in the *English* Parliament, to Vest the Sovereignty in the Princes of the House of *Lancaster*; by a *Saltus* over the Heads of the Princes of the Family (afterwards call'd) of *York*, nearer to the Throne than the *Lancastrian* Family : Did the *York* Family acquiesce? Tho' having no Kingdom, or other Sovereign Principality; tho' but private Men, against Kings; they disputed their Right in many Battels, and gave not over till possessed of it. When only a Female of the Family was left, *Seventh Henry* (of the *Lancaster* Family) was glad to secure his Title by Marrying her; and died at last of fear, that his Children by her would dispossess him, in her Right. In this Warr, between the Houses of *York* and *Lancaster*, died an almost incredible Number of Kings, Princes of the Royal Blood, Noblemen, Gentlemen, and of the Populacy.

I observe again, That it cannot be supposed; *STANISLAW* alone, (I mean, not Supported by *Foreign* Aid,) is a Match as they speak for the Elector of *HANOVER* alone. 'Tis true, they have taken care to Arm the *Heretors*, and to Train them once a Month. But do they know, when Matters come to a (Military) Tryal, how many of thes will be of Party with *STANISLAW*, against the Legal Heir; What if they have Armed and Trained Two Thirds of them
against

against the *Bill* instead of for it. For besides that all Honest Men are for Honest Things, when they may with any Safety; When a Great Prince appears Armed, or 'tis certainly known he will Arm, in Vindication of his known Right, Vast Numbers are then for him, that before were not. Supposing the impossible Thing, That all the *Heretors* and their Leaders should Adhere to the Tyrant; and suppose they may be a Rout of about Thirty Thousand: They are but a Rout. Twice that Number would be certainly defeated, by Sixteen Thousand Combatants, Veteran Troops; and One Victory will be sufficient to Winn a Kingdom, having no Strong Places, and so divided as *Scotland* is. How readily, on the first Advantage gained by him, will the *Episcopalians* (the better Half of the Nation) join their True King; and will the *Jacobites*, who it may be are a Fifth or Sixth Part, be Zealous or Obstinate for *STANIS-LAW*?

Another Observation is, The Succession to *Scotland* is Ten-fold of more Consequence to *England*, than the *Spanish* Succession is. A *Spanish* King will have a *Spanish Heart*, of what Nation soever he is: The Hous of *Bourbon* by gettingt One of her Branches into the Succession of *Spain*, has Encreased her Glory, without Encreasing her Strength, especially after a Generation or two: *Spain* and *France* will again Quarrel, and with no less Animosity than at any time formerly; then the Old Allies will again be desired and embraced, and be reckned the only Proper Allies, becaus so by Interest. But a *Scottish* King will always have a *French Heart*: becaus he cannot subsist, or maintein himself, without the Aid of *France*, against *England*, and Other Mighty Neigh-
D bours.

hours. Such an Accession of Strength to *France*, and of Disturbance and Vexation to *England*, cannot be neglected by the Estates of *England*; and therefore what Influence it will in due time have on their Parliamentary Resolves, as I said, I will not predict, because it is not good Manners. But I may observe That, if *STANISLAW* be permitted to take a Quiet Possession; and have Time given him, to Suppress all the Opposite Parties in *Scotland*: it may prove of Considerable Difficulty, to Reduce him. Briefly, certain it is; If the Honest Legal Party in *Scotland*, be not timely (be not at *First*) Encouraged, and Supported, by the Arms of *England*, or, at least of *HANOVER*; they will be discouraged, or corrupted, or so far ruin'd by the Tyrant, as to be of little Use afterward to *England*, or their Lawful Sovereign, in the Prosecution of his Right there. In one Word, I say, The Succession to *Spain*, were a Point of HONOUR happily gained; and if the Warr be continued, we know not what MIRACLES may happen: But the Succession to *Scotland*, is a Point of INTEREST, and by timely Application EASILY Carried.

But this one Note more. If the Estates of *England* should neglect the Right of their King, to the *Scottish* Succession; so far will it be from preventing Expence, or Warr, that they entail thereby perpetual Warr on themselves, and their Posterity. For besides all the Quarrels of the Two Nations, about Limits, Trade, and other Matters; every time there is Warr with *France*, there must be Warr also with *Scotland*, her Pensionary. *England* is at present, and of a good while hath been, the Balance of Power in this part of *Europe*; but if She suffer *Scotland* to set up *STANISLAW* against the Lawful Sovereign,

Sovereign, Her Case will be like that of *Sueden* and *Denmark*, who are either of them Insignificant to *Europe* in General Warrs, becaus one is always an Awe and Ballance to the other. As the Estates of *England* know thes things, in the most perfect manner; Time will discover their (wise and vigorous) Resolves upon them.

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